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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/826,929	04/16/2004	Alexander Lai	57657/04-265

CONFIRMATION NO. 1334

## FORMALITIES LETTER



\*OC000000013436786\*

22206  
 FELLERS SNIDER BLANKENSHIP  
 BAILEY & TIPPENS  
 THE KENNEDY BUILDING  
 321 SOUTH BOSTON SUITE 800  
 TULSA, OK 74103-3318

Date Mailed: 08/04/2004

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

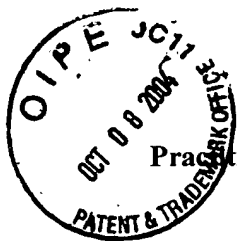
Ahmad.

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Practitioner's Docket No. 57657/04-265

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Alexander LAI

Application No.: 10/826,929

Group No.: 1642

Filed: 04/16/2004

Examiner: Unknown

For: DNA vaccine expressing HA1 of equine-2 influenza virus

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RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES

1. This replies to the Notice dated 08/04/2004.

In response to the Notice, Applicant herewith submits a substitute computer readable form (CRF) copy of the Sequence Listing and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper) sequence listing and includes no new matter.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

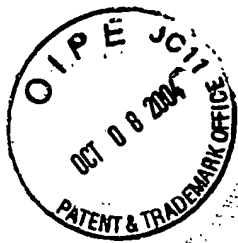
Signature

*Luz C. Lopez*

Date: October 4, 2004

Luz C. Lopez

(type or print name of person certifying)



## IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, R. Alan Weeks, state the following:

### ITEMS BEING SUBMITTED

3. Submitted herewith is/are:

"Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.

A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.

A statement, made by one registered to practice before the Office, that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).

Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821(g), a statement, made by a person registered to practice before the Office that the submission includes no new matter.

### STATEMENT THAT "SEQUENCE LISTING" AND COMPUTER READABLE COPY ARE THE SAME AND THAT ITEM SUBMITTED INCLUDES NO NEW MATTER

4. I hereby state:

The content of the sequence listing information recorded in computer readable form and submitted herewith is identical to the written (on paper) sequence listing to which it is indicated to relate.

The CRF copy submitted herewith introduces no new matter.

### EXTENSION OF TERM

5. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

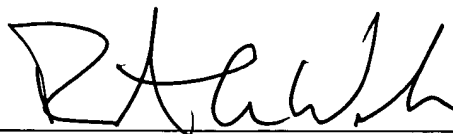
### FEE DEFICIENCY

If any additional extension and/or fee is required, charge Account No. 06-0540.

**SIGNATURE(s)**

Date: 10/4/04

Reg. No.: 36,050  
Tel. No.: 918-599-0621  
Customer No.: 22206

A handwritten signature in black ink, appearing to read 'R. Alan Weeks', written over a horizontal line.

**Signature of Practitioner**

R. Alan Weeks  
Fellers, Snider, Blankenship, Bailey & Tippens, P.C.  
321 S. Boston Ave., Suite 800  
Tulsa, OK 74103-3318

W #281107 v1